

**Introduced by Senator Chesbro**

January 27, 2004

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An act to amend Section 4181 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1153, as introduced, Chesbro. Fish and Game: wild turkeys: depredation take permits.

(1) Under existing law, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, or gray squirrels, may apply to the Department of Fish and Game for a permit to kill that animal. The department, upon satisfactory evidence of the damage or destruction, is required to issue a revocable permit for the taking and disposition of the animal.

This bill would also allow any owner or tenant of land or property that is being damaged or destroyed by wild turkeys to apply to the department for a permit to kill those animals.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and the Fish and Game Commission to pay all necessary expenses incurred in carrying out the Fish and Game Code, and to pay the compensation and expenses of the commissioners and employees of the commission.

By imposing new duties on the department and the commission, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4181 of the Fish and Game Code is  
2 amended to read:

3 4181. (a) Except as provided in Section 4181.1, any owner or  
4 tenant of land or property that is being damaged or destroyed or is  
5 in danger of being damaged or destroyed by elk, bear, beaver, wild  
6 pig, *wild turkeys*, or gray squirrels, may apply to the department  
7 for a permit to kill the ~~mammals~~ *animals*. Subject to the limitations  
8 in subdivisions (b) and (d), the department, upon satisfactory  
9 evidence of the damage or destruction, actual or immediately  
10 threatened, shall issue a revocable permit for the taking and  
11 disposition of the ~~mammals~~ *animals* under regulations adopted by  
12 the commission. The permit shall include a statement of the  
13 penalties that may be imposed for a violation of the permit  
14 conditions. ~~Mammals~~ *Animals* so taken shall not be sold or shipped  
15 from the premises on which they are taken except under  
16 instructions from the department. No iron-jawed or steel-jawed or  
17 any type of metal-jawed trap shall be used to take any bear  
18 pursuant to this section. No poison of any type may be used to take  
19 any gray squirrel pursuant to this section. The department shall  
20 designate the type of trap to be used to ensure the most humane  
21 method is used to trap gray squirrels. The department may require  
22 trapped squirrels to be released in parks or other nonagricultural  
23 areas. It is unlawful for any person to violate the terms of any  
24 permit issued under this section.

25 (b) The permit issued for taking bears pursuant to subdivision  
26 (a) shall contain the following facts:

27 (1) Why the issuance of the permit was necessary.

28 (2) What efforts were made to solve the problem without  
29 killing the bears.

30 (3) What corrective actions should be implemented to prevent  
31 reoccurrence.

32 (c) With respect to wild pigs, the department shall provide an  
33 applicant for a depredation permit to take wild pigs or a person  
34 who reports taking wild pigs pursuant to subdivision (b) of Section  
35 4181.1 with written information that sets forth available options  
36 for wild pig control, including, but not limited to, depredation  
37 permits, allowing periodic access to licensed hunters, and holding  
38 special hunts authorized pursuant to Section 4188. The department



1 may maintain and make available to these persons lists of licensed  
2 hunters interested in wild pig hunting and lists of nonprofit  
3 organizations that are available to take possession of depredating  
4 wild pig carcasses.

5 (d) With respect to elk, the following procedures shall apply:

6 (1) Prior to issuing a depredation permit pursuant to  
7 subdivision (a), the department shall do all of the following:

8 (A) Verify the actual or immediately threatened damage or  
9 destruction.

10 (B) Provide a written summary of corrective measures  
11 necessary to immediately alleviate the problem.

12 (C) Determine the viability of the local herd, and determine the  
13 minimum population level needed to maintain the herd.

14 (D) Ensure the permit will not reduce the local herd below the  
15 minimum.

16 (E) Work with affected landowners to develop measures to  
17 achieve long-term resolution, while maintaining viability of the  
18 herd.

19 (2) After completing the statewide elk management plan  
20 pursuant to Section 3952, the department shall use the information  
21 and methods contained in the plan to meet the requirements of  
22 subparagraphs (C), (D), and (E) of paragraph (1).

